

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

HV TECHNOLOGY HOLDINGS, LLC, )  
RFS TECHNOLOGY LLC, JAY VANIER, )  
MARATHON TECHNOLOGY INVESTMENTS )  
LLC, THE MELANIE A. BRITEGAM LIVING )  
TRUST, and JERRY CALLABRESI, )

Plaintiffs/Counterdefendants, )

v. )

NAMON HAWTHORNE, )

Defendant/Counterplaintiff. )

Case No. 17-CV-376-TCK-FHM

**OPINION AND ORDER**

Defendant's Motion to Compel, [Dkt. 36], has been fully briefed and is before the court for decision. The briefing focuses primarily on whether Plaintiffs waived any objections to the discovery requests by failing to timely respond and whether Defendant adequately conferred with Plaintiffs before filing the motion. Little attention is given to what, if any, discovery issues remain to be resolved by the court.

In light of the parties' agreement that there would be some delay in discovery while efforts to resolve the case were explored, it would be unjust to impose a waiver against Plaintiffs. The court will therefore resolve any remaining discovery issues on the merits. However, the court is not satisfied that the parties have adequately conferred to resolve any remaining issues.

IT IS THEREFORE ORDERED that lead counsel for the parties confer in person or by telephone in a good faith effort to resolve any outstanding discovery issues. This conference need not address any attorney-client privilege issues related to Defendant's Motion to Disqualify Counsel, [Dkt. 25], as the undersigned will not address that area until

the District Judge resolves that motion.

This matter is set for hearing on March 27, 2018, at 10:00 a.m., at which time the court will resolve any outstanding discovery disputes.

SO ORDERED this 28th day of February, 2018.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE